

The Honorable James L. Robart

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICROSOFT CORPORATION, a Washington  
corporation,

Plaintiff,

v.

MOTOROLA, INC., and MOTOROLA  
MOBILITY, INC., and GENERAL  
INSTRUMENT CORPORATION,

Defendants.

CASE NO. C10-1823-JLR

DECLARATION OF PHILIP S.  
MCCUNE IN SUPPORT OF  
MOTOROLA'S AND MICROSOFT'S  
JOINT CLAIM CHART

MOTOROLA MOBILITY, INC., and  
GENERAL INSTRUMENT CORPORATION,

Plaintiffs/Counterclaim Defendant,

v.

MICROSOFT CORPORATION,

Defendant/Counterclaim Plaintiff.

DECLARATION OF PHILIP S. MCCUNE IN SUPPORT OF  
MOTOROLA'S AND MICROSOFT'S JOINT CLAIM CHART  
CASE NO. C10-1823-JLR

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1 I, PHILIP S. MCCUNE, hereby declare as follows:

2 1. I am one of the attorneys for Defendants Motorola Solutions, Inc. (formerly  
3 Motorola, Inc.), Motorola Mobility, Ind., and General Instrument Corporation in this lawsuit. I  
4 make this declaration based on my own personal knowledge.

5 2. I submit this declaration in support of the parties' Joint Claim Chart.

6 3. Attached as Exhibit A to the Joint Claim Chart is a true and correct copy of United  
7 States Patent No. 7, 310,374 B2, dated December 18, 2007 (bates numbered  
8 MOTM\_WASH1823\_0027872 – 0027891).

9 4. Attached as Exhibit B to the Joint Claim Chart is a true and correct copy of United  
10 States Patent No. US 7,310,375 B2, dated December 18, 2007 (bates numbered  
11 MOTM\_WASH1823\_0027892 –0027911).

12 5. Attached as Exhibit C to the Joint Claim Chart is a true and correct copy of United  
13 States Patent No. US 7,310,376 B2, dated December 18, 2007 (bates numbered  
14 MOTM\_WASH1823\_0027912 –0027931).

15 6. Attached as Exhibit D to the Joint Claim Chart is a true and correct copy of United  
16 States Patent No. US 6,339,780 B1, dated January 15, 2002 (bates numbered  
17 MOTM\_WASH1823\_0050283 –0050292).

18 7. Attached as Exhibit E to the Joint Claim Chart is a true and correct copy of United  
19 States Patent No. US 7,411,582 B2, dated August 12, 2008 (bates numbered  
20 MOTM\_WASH1823\_0051268 –0051286).

21 8. Attached as Exhibit F to the Joint Claim Chart is a true and correct copy of  
22 Response to Office Action Dated November 26, 1999, regarding Application Serial  
23 No. 08/851,877 (bates numbered MOTM\_WASH1823\_0050368 – 0050385, 0050401 – 0050413,  
24 0050424 – 0050448, 0050459 – 0050488, 0050506 – 0050536, 0050549 – 0050556).

1           9.       Attached as Exhibit G to the Joint Claim Chart is a true and correct copy of  
2 Amendment and Response to Office Action Dated May 3, 2006, regarding Application Number  
3 10/989,877 (bates numbered MOTM\_WASH1823\_0051077 – 0051093, 0050991 – 0051006).

4           10.      Attached as Exhibit H to the Joint Claim Chart is a true and correct copy of  
5 Amendment and Response to Office Action dated July 30, 2002, regarding Serial No. 10/072,111  
6 (bates numbered MOTM\_WASH1823\_0050803 – 0050819, 0050831 – 0050862).

7           11.      Attached as Exhibit I to the Joint Claim Chart is a true and correct copy of  
8 Amendment and Response to Office Action dated May 9, 2000, regarding Serial No. 08/991,277  
9 (bates numbered MOTM\_WASH1823\_0050101 – 0050114, 0049955 – 0050007).

10          12.      Attached as Exhibit J to the Joint Claim Chart is a true and correct copy of  
11 Amendment to Office Action dated September 6, 2006, regarding Serial No. 11/026,394 (bates  
12 numbered MOTM\_WASH1823\_0047407 – 0047420, 0047431 – 0047440).

13          13.      Attached as Exhibit K to the Joint Claim Chart is a true and correct copy of the File  
14 History for 60/333,921 (bates numbered MOTM\_WASH1823\_0336272 – 0336312).

15          14.      Attached as Exhibit L to the Joint Claim Chart is a true and correct copy of the File  
16 History for 60/395,734 (bates numbered MOTM\_WASH1823\_0336313 – 0336324).

17          15.      Attached as Exhibit M to the Joint Claim Chart is a true and correct copy of the File  
18 History for 60/398,161 (bates numbered MOTM\_WASH1823\_0336325 – 0336334).

19          16.      Attached as Exhibit N to the Joint Claim Chart is a true and correct copy of Joint  
20 Final Committee Draft (JFCD) of Joint Video Specification ISO/IEC 14496-10 AVC (bates  
21 numbered MS-MOTO\_1823\_00001461755 – 00001461972).

22          17.      Attached as Exhibit O to the Joint Claim Chart is a true and correct copy of United  
23 States Patent No. 5,504,530, dated April 2, 1996 (bates numbered MS-  
24 MOTO\_1823\_00005194957 – 00005195000).

1 18. Attached as Exhibit P to the Joint Claim Chart is a true and correct copy of excerpts  
2 from Webster's II New College Dictionary (bates numbered MOTM\_WASH1823\_0336213 –  
3 0336215).

4 19. Attached as Exhibit Q to the Joint Claim Chart is a true and correct copy of  
5 excerpts from the American Heritage College Dictionary, Third Edition (bates numbered  
6 MOTM\_WASH1823\_0336187 – 0336189).

7 20. Attached as Exhibit R to the Joint Claim Chart is a true and correct copy of  
8 excerpts from Microsoft Press Computer Dictionary, Third Edition (bates numbered  
9 MOTM\_WASH1823\_0336190 – 0336199), and Trinity System Thermal Design Change Summary  
10 Status as of 5/22/09 (bates numbered MS-MOTO\_1823\_00000336229 – 00000336238).

11 21. Attached as Exhibit S to the Joint Claim Chart is a true and correct copy of excerpts  
12 from Random House Webster's Computer & Internet Dictionary, Third Edition (bates numbered  
13 MOTM\_WASH1823\_0336200 – 0336207).

14 22. Attached as Exhibit T to the Joint Claim Chart is a true and correct copy of  
15 excerpts from Webster's New World Dictionary of Computer Terms, Seventh Edition (bates  
16 numbered MOTM\_WASH1823\_0336216 – 0336224).

17 23. Attached as Exhibit U to the Joint Claim Chart is a true and correct copy of  
18 excerpts from Microsoft Press Inside Ole, Second Edition, by Kraig Brockschmidt (bates  
19 numbered MOTM\_WASH1823\_0337263 – 0337304, 0337305 – 0337325, 0337372 – 0337374,  
20 0337479).

21 24. Attached as Exhibit V to the Joint Claim Chart is a true and correct copy of  
22 excerpts from The Windows Interface Guidelines for Software Design (bates numbered  
23 MOTM\_WASH1823\_0336268 – 0336271).

24 25. Attached as Exhibit W to the Joint Claim Chart is a true and correct copy of United  
25 States Patent No. 5,670,773, dated June 2, 1998.

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**CERTIFICATE OF SERVICE**

I hereby certify that on this day I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 6th day of January, 2012.

/s/ Marcia A. Ripley  
Marcia A. Ripley